

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LARRY ELAM, individually and on )  
behalf of others similarly situated, )

Plaintiff, )

vs. )

Case No. 4:06CV1142 CDP

MICHAEL NEIDORFF, et al., )

Defendants. )

**ORDER**

On July 28, 2006, Larry Elam brought this action as a purported class action, claiming violations of Section 10(b) and 20(a) of the Securities Exchange Act of 1934, Rule 10b-5 promulgated thereunder. In compliance with the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4(a)(3)(A)(i), Elam published notice that this action had been initiated against the defendants and informing members of the proposed class of their right to move the Court to serve as lead plaintiff no later than October 2, 2006.

On October 2, 2006, William L. Smith and Wayne Stolte each separately moved this court to consolidate this case with 4:06CV1193 SNL, to be appointed as lead plaintiff, and to have his counsel appointed as lead counsel. On November 2, 2006, this court granted the motion to consolidate and set a hearing for November 20 to decide who should be appointed lead plaintiff. Following that order, William Smith filed a motion to withdraw as lead plaintiff. Consequently,

Wayne Stolte remains the only party seeking to be appointed lead plaintiff.

Having considered the motion of Wayne Stolte for appointment as lead plaintiff and approval of selection of lead and liaison counsel and the declaration of Nancy Kaboolian, I find good cause to grant Stolte's application.


Accordingly,

**IT IS HEREBY ORDERED** that Stolte's motion for appointment as lead plaintiff [#5] is hereby granted, his selection of the firm of Abbey Spanier Rodd Abrams, & Paradis, LLP as lead counsel is hereby approved, and his selection of Green Jacobson & Butsh, P.C. as liaison counsel is also approved, without prejudice to any defendants' rights, including, without limitation, the right to challenge his adequacy to serve as a class representative in connection with a subsequent motion for class certification.

**IT IS FURTHER ORDERED** that lead plaintiff shall file a consolidated amended complaint on or before **January 17, 2007**.

**IT IS FURTHER ORDERED** that Defendants shall respond to the amended complaint by **February 16, 2007**.

**IT IS FINALLY ORDERED** that the hearing set for November 20, 2006 is cancelled as moot.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of November, 2006.